IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13245 of 2004

Between:

1. A.V.M. Mohan Rao, S/o.Late Satyanarayana, 68 years,
   R/o. H.No.12-3-35, Ward No.2, Ayyagarivari Veedhi, Gunipudi,
   Bhimavaram, West Godavari District.

2. A.S.K.R. Eeswari, D/o. A.V.M. Mohan Rao,
   R/o. H.No.12-3-35, Ward No.2, Ayyagarivari Veedhi, Gunipudi,
   Bhimavaram, West Godavari District.

...PETITIONERS

AND

1. The Commissioner, Bhimavaram Municipality,
   At Bhimavaram, West Godavari District.

2. Smt. Perumalla Murali Srilaxmi, W/o. Radhakirshna,
   R/o.H.No.12-3-35, Ward No.2, Ayyagarivari Veedhi, Gunipudi,
   Bhimavaram, West Godavari District.

3. Sri Amara Bhaskar, R/o.H.No. 12-3-35, Ward No.2, Ayyagarivari Veedhi, Gunipudi, Bhimavaram, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of mandamus declaring the inaction of the 1st respondent Municipality in taking further action with regard to un-authorized constructions made by the un-official respondents effecting the compound wall of the petitioners (towards eastern side) despite endorsement issued by 1st respondent Rc.No.2118/04/B2 dated 01.05.2004 as illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st respondent to take immediate action

with regard to said un-authorized constructions in the light of above endorsement.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: MR.DANTU.SRINIVAS

The Court made the following:

ORDER:

The petitioners own a residential house in Ward No.2 of Gunipudi, Bhimavaram Municipality. The respondent Nos.2 and 3 who are the neighbours of the petitioners appear to have started unauthorized construction detrimental to the compound wall of the petitioners. Therefore, the petitioners made a representation to the first respondent on 16.04.2004. The first respondent gave an endorsement to the effect that the Municipality gave a notice, dated 30.06.2004 under Section 228 (1) (2) of the A.P.Municipalities Act, 1965 to the husband of the second respondent. It is now complained that though endorsement was given to the petitioners, no further action has been taken by the Municipality against the respondents. Therefore, they filed the present Writ Petition.

After hearing Sri Kowturu Vinaya Kumar, the learned counsel for the petitioners and learned Standing Counsel for Bhimavaram Municipality, the Writ Petition is disposed of directing the first respondent to see that the action initiated against respondent Nos.2 and 3 will see logical end.

The Writ Petition is accordingly disposed of.

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(V.V.S.RAO, J)

28th July 2004

RRB

Copies To:

1. The Commissioner, Bheemavaram Municipality,
   At Bheemavaram, West Godavari District.

2. Two CD copies.